

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARLA ROMITA, ALLISON A. HEANEY as	:	
TRUSTEES of the NEW YORK OIL HEATING	:	11-CV-9641 (VEC)
INSURANCE FUND	:	
	:	<u>ORDER</u>
-against-	:	
	:	
LEONARD BALDARI and MICHAEL DAVID	:	
HILLER,	:	
	:	
Defendants.	:	
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	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 28, 2014, Defense counsel, Mr. Richards, filed a notice of appearance on behalf of Defendants Leonard Baldari and Michael Hiller, Dkt. 36;

WHEREAS on November 5, 2020, Plaintiffs filed a Motion for Summary Judgment in this matter, Dkt. 100;

WHEREAS on November 24, 2020, the Court granted Defense counsel's request for an extension to file his response brief in opposition to the Motion for Summary Judgment, in order to provide Defense counsel with more time to address issues arising from his lack of direct communication with his client, Leonard Baldari, Dkt. 106;

WHEREAS on January 6, 2021, the Court granted Defense counsel's second request for an extension, which Plaintiffs' counsel opposed, Dkt. 108;

WHEREAS on January 25, 2021, Defense counsel informed the Court that Mr. Hiller had reached an agreement in principle to a proposed Consent Order, but that Defense counsel was still unable to communicate directly with Mr. Baldari, Dkt. 109;

WHEREAS on January 25, 2021, the Court ordered Defense counsel to make a motion to withdraw as attorney for Mr. Baldari and to serve the motion on Mr. Baldari by mail and email, Dkt. 110;

WHEREAS in the same order, the Court required Defense counsel to file a letter under seal that detailed his attempts to communicate with Mr. Baldari, his criminal defense counsel, and the Assistant U.S. Attorney involved in the criminal matter, Dkt. 110;

WHEREAS on February 5, 2020, Defense counsel filed a motion to withdraw as attorney for Mr. Baldari, Dkt. 111;

WHEREAS on February 9, 2021, Defense counsel filed proof of service of the motion on Mr. Baldari, Dkt. 114;

WHEREAS on February 10, 2021, Defense counsel filed the required letter under seal detailing his attempts to communicate with Mr. Baldari, Dkt. 115; and

WHEREAS on February 10, 2021, Plaintiff filed a response to Defense counsel's motion to withdraw, requesting that the Court enter a default judgment against Mr. Baldari, Dkt. 116;

IT IS HEREBY ORDERED that by no later than **Tuesday, February 16, 2021**, Mr. Richards must serve the filing made under seal at docket entry 115 and this Order on Mr. Baldari by mail and on Mr. Baldari's wife by email. Mr. Richards must file proof of this service on the docket by no later than **Wednesday, February 17, 2021**.

IT IS FURTHER ORDERED that Mr. Baldari must respond to Mr. Richard's motion to withdraw by no later than **Friday, February 26, 2021**. If Mr. Baldari chooses to represent himself, rather than retain new counsel, he must file his response through the *pro se* office of the U.S. District Court of the Southern District of New York. Information about the *pro se* office is available at <https://www.nysd.uscourts.gov/prose>. The office can be reached by phone at 212-659-6190. If Mr. Baldari fails to respond to the motion to withdraw on or before February 26, 2021, the Court will presume that he does not object to Mr. Richards being permitted to withdraw; the Court will then grant Mr. Richard's motion. If Mr. Baldari responds to the motion

to withdraw, Mr. Richards' reply in support of the motion to withdraw is due no later than **Friday, March 5, 2021.**

IT IS FURTHER ORDERED that Mr. Baldari must inform the Court not later than **February 26, 2021**, whether he intends to respond to Plaintiff's Motion for Summary Judgment. If Mr. Baldari has not retained counsel, that notice must be provided through the *pro se* office as noted above. If Mr. Baldari fails to notify the Court by February 26, 2021 that he intends to respond to the motion, the Court will presume that he has elected not to defend this action.

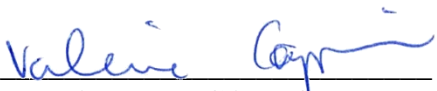
IT IS FURTHER ORDERED that Plaintiff's request that the Court enter a Default Judgment against Mr. Baldari is held in abeyance pending Mr. Baldari's response to the two Orders above.

IT IS FURTHER ORDERED that the parties are welcome to file the consent decree with respect to Mr. Hiller on the public docket at any time.

The Clerk of Court is respectfully directed to mail a copy of this order to Leonard Baldari at 194 Silver Spring Road, Wilton, Connecticut 06897.

SO ORDERED.

Dated: February 11, 2021
New York, NY



VALERIE CAPRONI
United States District Judge